



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/767,319

01/29/2004

James C. Fackler

CRNC.103498

5484

46169 7590 02/25/2008
SHOOK, HARDY & BACON L.L.P.
Intellectual Property Department
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER

SEREBOFF, NEAL

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,319

Applicant(s)

FACKLER ET AL.

Examiner

NEAL R. SEREBOFF

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant/ Response to Amendment

1. In the Amendment dated 1/4/2008, the following has occurred: Claims 1, 8 and 15 have been amended. Claims 1 – 21 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. ***Claims 1 – 3, 8 – 10 and 15 – 17*** are rejected under 35 U.S.C. 102(e) as being anticipated by De La Huerga, U.S. Pre-Grant Publication Number 2002/ 0038392.
5. As per claim 1, De La Huerga teaches a method in a computer system for reducing the risk of adverse clinical events when administering multiple medications to a patient through a common attachment, comprising:
 - Associating a first medication with a first attachment (paragraph 306 where the medication is set up for the IV);
 - Associating a second medication with the first attachment (paragraphs 309 through 312 where the medication is entered through the syringe); and

- Determining whether the medications are compatible with one another when the first medication and the second medication are administered through the first attachment (paragraph 312), if so, generating an alert (paragraph 312).
6. As per claim 2, De La Huerga teaches the method of claim 1 as described above. De La Huerga further teaches the method wherein the attachment is an intravenous (IV) line (paragraphs 306 through 312).
7. As per claim 3, De La Huerga teaches the method of claim 1 as described above. De La Huerga further teaches the method comprising receiving orders for the first (paragraph 293, titration standing order) and second medications (paragraph 312 where the syringe medication is verified and paragraph 313 where the prescribed dosage is added to memory).
8. As per claim 1, De La Huerga teaches a computerized system for reducing the risk of adverse clinical events when administering multiple medications to a patient through a common attachment, comprising:
- A first associating module for associating a first medication with a first attachment (paragraph 306 where the medication is set up for the IV);
 - A second associating module for associating a second medication with the first attachment (paragraphs 309 through 312 where the medication is entered through the syringe); and
 - A determining module for determining whether the medications are compatible with one another when the first medication and the second medication are administered through the first attachment (paragraph 312), if so, generating an alert (paragraph 312).

9. As per claim 9, De La Huerga teaches the system of claim 8 as described above. De La Huerga further teaches the system wherein the attachment is an intravenous (IV) line (paragraphs 306 through 312).

10. As per claim 10, De La Huerga teaches the system of claim 8 as described above. De La Huerga further teaches the system comprising a receiving module for receiving orders for the first (paragraph 293, titration standing order) and second medications (paragraph 312 where the syringe medication is verified and paragraph 313 where the prescribed dosage is added to memory).

11. As per claim 15, De La Huerga teaches a computer-readable medium having computer executable instructions for performing a method, the method comprising:

- Associating a first medication with the first attachment (paragraph 306 where the medication is set up for the IV);
- Associating a second medication with the first attachment (paragraphs 309 through 312 where the medication is entered through the syringe); and
- Determining whether the medications are compatible with one another when the first medication and the second medication are administered through the first attachment (paragraph 312), if so, generating an alert (paragraph 312).

12. As per claim 16, De La Huerga teaches the method of claim 15 as described above. De La Huerga further teaches the method wherein the attachment is an intravenous (IV) line (paragraphs 306 through 312).

13. As per claim 17, De La Huerga teaches the method of claim 15 as described above. De La Huerga further teaches the method comprising receiving orders for the first (paragraph 293,

titration standing order) and second medications (paragraph 312 where the syringe medication is verified and paragraph 313 where the prescribed dosage is added to memory).

Claim Rejections - 35 USC § 103

14. ***Claims 4 – 7, 11 – 14 and 18 – 21*** are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Huerga, U.S. Pre-Grant Publication Number 2002/ 0038392 in view of Lewis, U.S. Pre-Grant Publication Number 2001/ 0041992.

15. As per claim 4, De La Huerga teaches the method of claim 3 as described above.

De La Huerga further teaches the method wherein the first medication order is received through a graphical image (paragraphs 145 through 148, 192, 193 and paragraph 208 where the screen has icons).

De La Huerga does not explicitly teach the method wherein the first medication order is received by displaying a representation of at least a portion of a human body and a first graphical indicia indicative of the location of the attachment on the patient, and receiving a user selection of the first graphical indicia.

However, Lewis teaches the method wherein the first order is received by displaying a representation of at least a portion of a human body (figures 4a – 4g), and a first graphical indicia indicative of the location of the attachment on the patient (figure 4H and paragraph 109 where the treatment plan is customizable), and receiving a user selection of the first graphical indicia (paragraph 111 where the user selects the desired treatment).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

16. As per claim 5, De La Huerga in view of Lewis teaches the method of claim 4 as described above.

De La Huerga further teaches the method comprising receiving order details for the first medication after the user selection is received (paragraph 112 where the IV bag contains the information on a tag).

In addition, Lewis further teaches the method comprising receiving order details for the first medication after the user selection is received (paragraph 111, where the details are displayed and modified).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.

- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

17. As per claim 6, De La Huerga in view of Lewis teaches the method of claim 4 as described above.

De La Huerga further teaches the method wherein the first graphical indicia is an icon (paragraph 173, where the display has multiple icons).

In addition, Lewis further teaches the method wherein the first graphical indicia is an icon (paragraph 79 where the drop down menu is a kind of icon).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

18. As per claim 7, De La Huerga teaches the method of claim 3 as described above.

De La Huerga does not explicitly teach the method comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient.

However, Lewis teaches the method comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient (paragraph 102).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

19. As per claim 11, De La Huerga teaches the system of claim 10 as described above.

De La Huerga further teaches the system wherein the first medication order is received through a graphical image (paragraphs 145 through 148, 192, 193 and paragraph 208 where the screen has icons).

De La Huerga does not explicitly teach the system wherein the first medication order is received by displaying a representation of at least a portion of a human body and a first graphical indicia indicative of the location of the attachment on the patient, and receiving a user selection of the first graphical indicia.

However, Lewis teaches the system wherein the first order is received by displaying a representation of at least a portion of a human body (figures 4a – 4g), and a first graphical indicia indicative of the location of the attachment on the patient (figure 4H and paragraph 109 where the treatment plan is customizable), and receiving a user selection of the first graphical indicia (paragraph 111 where the user selects the desired treatment).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

20. As per claim 12, De La Huerga in view of Lewis teaches the system of claim 11 as described above.

De La Huerga further teaches the system comprising receiving order details for the first medication after the user selection is received (paragraph 112 where the IV bag contains the information on a tag).

In addition, Lewis further teaches the system comprising receiving order details for the first medication after the user selection is received (paragraph 111, where the details are displayed and modified).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).

- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

21. As per claim 13, De La Huerga in view of Lewis teaches the system of claim 11 as described above.

De La Huerga further teaches the system wherein the first graphical indicia is an icon (paragraph 173, where the display has multiple icons).

In addition, Lewis further teaches the system wherein the first graphical indicia is an icon (paragraph 79 where the drop down menu is a kind of icon).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

22. As per claim 14, De La Huerga teaches the system of claim 10 as described above.

De La Huerga does not explicitly teach the system comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient.

However, Lewis teaches the system comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient (paragraph 102).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

23. As per claim 18, De La Huerga teaches the method of claim 17 as described above.

De La Huerga further teaches the method wherein the first medication order is received through a graphical image (paragraphs 145 through 148, 192, 193 and paragraph 208 where the screen has icons).

De La Huerga does not explicitly teach the method wherein the first medication order is received by displaying a representation of at least a portion of a human body and a first graphical indicia indicative of the location of the attachment on the patient, and receiving a user selection of the first graphical indicia.

However, Lewis teaches the method wherein the first order is received by displaying a representation of at least a portion of a human body (figures 4a – 4g), and a first graphical indicia indicative of the location of the attachment on the patient (figure 4H and paragraph 109 where

the treatment plan is customizable), and receiving a user selection of the first graphical indicia (paragraph 111 where the user selects the desired treatment).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

24. As per claim 19, De La Huerga in view of Lewis teaches the method of claim 18 as described above.

De La Huerga further teaches the method comprising receiving order details for the first medication after the user selection is received (paragraph 112 where the IV bag contains the information on a tag).

In addition, Lewis further teaches the method comprising receiving order details for the first medication after the user selection is received (paragraph 111, where the details are displayed and modified).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

25. As per claim 20, De La Huerga in view of Lewis teaches the method of claim 19 as described above.

De La Huerga further teaches the method wherein the first graphical indicia is an icon (paragraph 173, where the display has multiple icons).

In addition, Lewis further teaches the method wherein the first graphical indicia is an icon (paragraph 79 where the drop down menu is a kind of icon).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

26. As per claim 21, De La Huerga teaches the method of claim 17 as described above.

De La Huerga does not explicitly teach the method comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient.

However, Lewis teaches the method comprising displaying a plurality of graphical indicia indicative of the locations of a plurality of attachments on the patient (paragraph 102).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add these features into De La Huerga.

- One of ordinary skill in the art would have added these features into De La Huerga with the motivation to order healthcare services for the selected anatomic structure (Lewis Abstract).
- The combination of the elements produces a result where the individual elements still perform the same function as they did separately.
- The technical ability existed to substitute the components as claimed and the result of the substitution is predictable.

Response to Arguments

27. Applicant's arguments with respect to claims 1 – 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al., U.S. Pre-Grant Publication Number 2004/ 0176984

Ding, U.S. Pre-Grant Publication Number 2002/ 0049362

Tajima et al., U.S. Patent Number 6,557,558

Ding, U.S. Patent Number 6,650,930

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. S./
Examiner, Art Unit 3626
2/7/2008

/C. Luke Gilligan/
Primary Examiner, Art Unit 3626